

रजिस्ट्रार नं० पी० ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, १७ फरवरी, १९६९/२८ माघ, १८६०

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 23rd January 1969

No. 6-70/68-LR.—The Indian Forest (Himachal Pradesh Amendment) Bill, 1968 (Bill No. 31 of 1968) after having received the assent of the President

of India on the 13th December, 1968, under sub-section (2) of section 25 of the Government of Union Territories Act, 1963 (Act No. 20 of 1963) is hereby published in the Rajpatra, Himachal Pradesh as Act No. 25 of 1968.

JOSEPH DINA NATH,
Under Secretary (Jud.).

ACT No. 25 of 1968

THE INDIAN FOREST (HIMACHAL PRADESH AMENDMENT)

ACT, 1968

AN

ACT

to amend the Indian Forest Act, 1927 (Central Act 16 of 1927) in its application to Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Forest (Himachal Pradesh Amendment) Act, 1968.

Short title and extent.

(2) It shall extend to the whole of Himachal Pradesh.

16 of 1927

2. In section 1 of the Indian Forest Act, 1927, in its application to the Union territory of Himachal Pradesh (hereinafter referred to as the principal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 1.

“(2A) Notwithstanding anything contained in sub-section (2), it also extends to such territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, and have since merged with Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966.”

31 of 1966

3. In sub-section (1) of section 38 of the principal Act, for the words ‘the owners of shares therein amounting in the aggregate to at least two thirds thereof’, the words ‘the owners of the majority of shares therein’ shall be substituted

Amendment of section 38.

4. In sections 52, 53 and 55 of the principal Act, for the word ‘carts’ wherever it occurs, the word ‘vehicles’ shall be substituted.

Amendment of sections 52, 53 and 55.

5. For section 82 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 82.

“82. *Recovery of money due to Government.*—(1) All money payable to the State Government under this Act or under any rule made under this Act or on account of the price of timber, or other forest produce, or of expenses incurred in execution of this Act in respect of timber and other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act may, if not paid when due,

be recovered under the law for the time being in force, as if it were an arrear of land revenue.

- (2) For the removal of doubts, it is hereby declared that the provisions of sub-section (1) shall also apply to all cases of recovery which are either pending at the commencement of the Indian Forest (Himachal Pradesh Amendment) Act, 1968 or are initiated thereafter in respect of contracts entered into prior to such commencement, any judgment, decree or order of any court to the contrary notwithstanding."

Insertion of
new section
84-A.

6. After section 84 of the principal Act, the following section shall be inserted, namely:—

"84A. *Validity of settlements etc. of covenanting States.*—For the removal of doubts, it is hereby declared that every settlement or arrangement made before the 20th August, 1948, under the authority of the Government of any covenanting State forming part of the territories referred to in sub-section (2 A) of section 1, with respect to any claims or rights of any persons admitted by the Government of that State to be in existence in any of the forests or waste lands which were the property of that Government or over which that Government had proprietary rights or to the whole or part of the forest produce of which that Government was entitled, shall be deemed to be a settlement of claims and rights made under this Act and all such claims and rights shall be deemed to be claims and rights duly inquired into and admitted for the purposes of this Act and shall be deemed always to have been so inquired and admitted for the purposes of the Patiala Forest Act, 1999 Bk, and it shall not be, and shall be deemed never to have been, necessary to determine the rights of persons in accordance with chapters II and IV, as the case may be, for declaring any forest or waste land to be a reserved or protected forest or a first or second class forest."

Repeal and
savings.

7. (1) The Indian Forest (East Punjab Amendment) Act, 1948, the Indian Forest (Punjab Amendment) Act, 1954 and the Indian Forest (Punjab Amendment) Act, 1962, in so far as these apply to the areas merged in Himachal Pradesh under section 5 of the Punjab Re-organization Act, 1966, are hereby repealed:

7 of 1948
20 of 1954
13 of 1962

31 of 1966

Provided that such repeal shall not affect—

- the previous operation of the Acts so repealed or anything duly done or suffered thereunder; or
- any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed; or
- any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed; or
- any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or
- operation of section 39 of the Patiala Forest Act, 1999 Bk, which is a saving under section 7 of the Indian Forest (Punjab Amendment) Act, 1962.

13 of 1962

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, bye-law or form framed) so far as it is not inconsistent therewith, shall be deemed to have been done or taken under the principal Act as so amended:

13 of 1962 Provided that all forests which, immediately before the commencement of the Indian Forest (Punjab Amendment) Act, 1962, are, or are deemed to be, first and second class forests under the Acts repealed by sub-section (1) shall, respectively, be deemed to be reserved and protected forests for the purposes of the principal Act as amended by this Act.